

April 27, 2011

Marlene Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554



Re: Notice of *Ex Parte* Presentation  
MM Docket No. 99-25 (Creation of Low Power Radio Service)

Dear Ms. Dortch:

On Tuesday, April 26, 2011, Brandy Doyle of Prometheus Radio Project ("Prometheus"), accompanied by Andrew Jay Schwartzman and Matt Wood of Media Access Project ("MAP"), counsel to Prometheus, met with Marilyn Sonn and William Scher in the Commission's Office of General Counsel ("OGC") to discuss matters in the above-captioned docket.

During the meeting, the Prometheus representatives presented their views on the Local Community Radio Act of 2010 ("LCRA"). Section 5 of that Act requires the Commission to ensure, when licensing any low-power FM ("LPFM") or FM translator stations, that licenses are available to applicants for both services, and that such spectrum allocation and licensing decisions are made based on the service needs of the local community. The LCRA therefore requires implementation that assures meaningful spectrum availability and satisfactory channels for LPFM stations in every community, including the largest radio markets and urban centers from which LPFM effectively had been precluded prior to the LCRA's passage.

The Prometheus representatives explained their longstanding contention that the "ten-cap" solution for processing Auction No. 83 FM translator applications, as set forth in the *Third Report and Order* in this docket, would have a preclusive impact on low power FM stations – both nationwide and in the vast majority of major metropolitan markets. The Prometheus representatives therefore discussed with OGC staff various solutions for processing translator applications, affirming their belief that the Commission has the flexibility to craft market-specific solutions as necessary, and reiterating their openness to any alternative that would ensure fair availability for LPFMs.

We submit this letter today pursuant to Section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b). Please contact me should you have any questions regarding this submission.

Respectfully submitted,

/s/ Matthew F. Wood

cc: Marilyn Sonn  
William Scher